

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**20-cv-2475**

HORACIO DAVID VELIZ MONTOYA,  
*individually and on behalf of others similarly  
situated,*

**DECLARATION OF  
HORACIO DAVID VELIZ  
MONTOYA**

*Plaintiffs,*

-against-

PREMIUM MILLWORK, INC. (d/b/a  
PREMIUM MILLWORK) and JULIO CUENCA,

*Defendants.*

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I, Horacio David Veliz Montoya, declare under penalty of perjury, pursuant to 28 U.S.C. §1746, that:

1. I am a Plaintiff in the above-captioned action, and I have personal knowledge of the matters stated below.
2. I reside in New York County, New York.
3. I was employed as a carpenter's assistant by Premium Millwork Inc. (d/b/a Premium Millwork) and Julio Cuenca at their woodworking shop located at 43 Coffey Street, Brooklyn, New York, 11231.
4. Defendants had the power to hire and fire me, control my terms and conditions of employment, and determine the rate and method of my compensation.
5. I know defendant Julio Cuenca is not in the military service of the United States because I have seen him regularly at the Premium Millwork, where I worked.

6. I worked for the Defendants at Premium Millwork from approximately July 2018 until on or about October 28, 2019.

9. My duties required neither discretion nor independent judgment.

10. From approximately July 2018 until on or about October 28, 2019, I worked from approximately 7:00 a.m. until on or about 6:00 p.m. five days per week, with a half hour lunch break every day, and from approximately 7:00 a.m. until on or about 4:00 p.m., one day per week. (approximately 60.5 hours per week).

11. Throughout my employment at Premium Millwork, Defendants paid me my wages via personal check.

12. From the time I was hired until approximately December 2018, I was paid a fixed salary of \$920.00 per week.

13. From approximately January 2019 until the end of my employment at Premium Millwork, I was paid a fixed salary of \$1,000.00 per week.

14. I was never required to keep track of my time working for Defendants. To my knowledge they don't have any kind punch card or any other timekeeping device.

15. I never received any written notice from the Defendants, in English and in Spanish, my primary language, of my rate of pay, regular payday, or any other required information.

16. Defendants never posted any notice or notified me by any other means of the overtime and minimum wage.

17. I remain unpaid for overtime wages.

18. I respectfully submit this declaration in support of my motion for default judgment.

19. This document has been translated to me in my native language of Spanish, and I fully comprehend the contents. (“Este documento ha sido traducido y yo comprendo todos los términos.”).

20. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed: New York, NY

04/23/2021

\_\_\_\_\_  
Date



\_\_\_\_\_  
Horacio David Veliz Montoya